

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Sections 3-7-6 and 5-5-3 as follows:

6 (730 ILCS 5/3-7-6) (from Ch. 38, par. 1003-7-6)

7 Sec. 3-7-6. Reimbursement for expenses.

8 (a) Responsibility of committed persons. For the  
9 purposes of this Section, "committed persons" mean those  
10 persons who through judicial determination have been placed  
11 in the custody of the Department on the basis of a conviction  
12 as an adult. Committed persons shall be responsible to  
13 reimburse the Department for the expenses incurred by their  
14 incarceration at a rate to be determined by the Department in  
15 accordance with this Section. Committed persons shall also  
16 be responsible for reimbursing victims of their offenses for  
17 the costs of medical or dental services incurred by the  
18 victims as a result of their criminal conduct committed  
19 against the victims.

20 (1) Committed persons shall fully cooperate with  
21 the Department by providing complete financial  
22 information for the purposes under this Section.

23 (2) The failure of a committed person to fully  
24 cooperate as provided for in clauses (3) and (4) of  
25 subsection (a-5) shall be considered for purposes of a  
26 parole determination. Any committed person who willfully  
27 refuses to cooperate with the obligations set forth in  
28 this Section may be subject to the loss of good conduct  
29 credit towards his or her sentence of up to 180 days.

30 (a-5) Assets information form.

31 (1) The Department shall develop a form, which

1 shall be used by the Department to obtain information  
2 from all committed persons regarding assets of the  
3 persons.

4 (2) In order to enable the Department to determine  
5 the financial status of the committed person, the form  
6 shall provide for obtaining the age and marital status of  
7 a committed person, the number and ages of children of  
8 the person, the number and ages of other dependents, the  
9 type and value of real estate, the type and value of  
10 personal property, cash and bank accounts, the location  
11 of any lock boxes, the type and value of investments,  
12 pensions and annuities and any other personalty of  
13 significant cash value, including but not limited to  
14 jewelry, art work and collectables, and all medical or  
15 dental insurance policies covering the committed person.  
16 The form may also provide for other information deemed  
17 pertinent by the Department in the investigation of a  
18 committed person's assets.

19 (3) Upon being developed, the form shall be  
20 submitted to each committed person as of the date the  
21 form is developed and to every committed person who  
22 thereafter is sentenced to imprisonment under the  
23 jurisdiction of the Department. The form may be  
24 resubmitted to a committed person by the Department for  
25 purpose of obtaining current information regarding the  
26 assets of the person.

27 (4) Every committed person shall complete the form  
28 or provide for completion of the form and the committed  
29 person shall swear under oath or affirm that to the best  
30 of his or her knowledge the information provided is  
31 complete and accurate.

32 (b) Expenses. The rate at which sums to be charged for  
33 the expenses incurred by a committed person for his or her  
34 confinement shall be computed by the Department as the

1 average per capita cost per day for all inmates of that  
2 institution or facility for that fiscal year. The average  
3 per capita cost per day shall be computed by the Department  
4 based on the average per capita cost per day for the  
5 operation of that institution or facility for the fiscal year  
6 immediately preceding the period of incarceration for which  
7 the rate is being calculated. The Department shall establish  
8 rules and regulations providing for the computation of the  
9 above costs, and shall determine the average per capita cost  
10 per day for each of its institutions or facilities for each  
11 fiscal year. The Department shall have the power to modify  
12 its rules and regulations, so as to provide for the most  
13 accurate and most current average per capita cost per day  
14 computation. Where the committed person is placed in a  
15 facility outside the Department, the Department may pay the  
16 actual cost of services in that facility, and may collect  
17 reimbursement for the entire amount paid from the committed  
18 person receiving those services.

19 (c) Records. The records of the Department, including,  
20 but not limited to, those relating to: the average per capita  
21 cost per day for a particular institution or facility for a  
22 particular year, and the calculation of the average per  
23 capita cost per day; the average daily population of a  
24 particular Department correctional institution or facility  
25 for a particular year; the specific placement of a particular  
26 committed person in various Department correctional  
27 institutions or facilities for various periods of time; and  
28 the record of transactions of a particular committed person's  
29 trust account under Section 3-4-3 of this Act; may be proved  
30 in any legal proceeding, by a reproduced copy thereof or by a  
31 computer printout of Department records, under the  
32 certificate of the Director. If reproduced copies are used,  
33 the Director must certify that those are true and exact  
34 copies of the records on file with the Department. If

1 computer printouts of records of the Department are offered  
2 as proof, the Director must certify that those computer  
3 printouts are true and exact representations of records  
4 properly entered into standard electronic computing  
5 equipment, in the regular course of the Department's  
6 business, at or reasonably near the time of the occurrence of  
7 the facts recorded, from trustworthy and reliable  
8 information. The reproduced copy or computer printout shall,  
9 without further proof, be admitted into evidence in any legal  
10 proceeding, and shall be prima facie correct and prima facie  
11 evidence of the accuracy of the information contained  
12 therein.

13 (d) Authority. The Director, or the Director's  
14 designee, may, when he or she knows or reasonably believes  
15 that a committed person, or the estate of that person, has  
16 assets which may be used to satisfy all or part of a judgment  
17 rendered under this Act, or when he or she knows or  
18 reasonably believes that a committed person is engaged in  
19 gang-related activity and has a substantial sum of money or  
20 other assets, provide for the forwarding to the Attorney  
21 General of a report on the committed person and that report  
22 shall contain a completed form under subsection (a-5)  
23 together with all other information available concerning the  
24 assets of the committed person and an estimate of the total  
25 expenses for that committed person, and authorize the  
26 Attorney General to institute proceedings to require the  
27 persons, or the estates of the persons, to reimburse the  
28 Department for the expenses incurred by their incarceration  
29 and to reimburse the victims of their offenses for the costs  
30 of medical or dental services incurred by their victims as a  
31 result of their criminal conduct. The Attorney General, upon  
32 authorization of the Director, or the Director's designee,  
33 shall institute actions on behalf of the Department and  
34 pursue claims on the Department's or victims' behalf in

1 probate and bankruptcy proceedings, to recover from committed  
2 persons the expenses incurred by their confinement or the  
3 medical or dental costs of their victims. For purposes of  
4 this subsection (d), "gang-related" activity has the meaning  
5 ascribed to it in Section 10 of the Illinois Streetgang  
6 Terrorism Omnibus Prevention Act.

7 (e) Scope and limitations.

8 (1) No action under this Section shall be initiated  
9 more than 2 years after the release or death of the  
10 committed person in question.

11 (2) The death of a convicted person, by execution  
12 or otherwise, while committed to a Department  
13 correctional institution or facility shall not act as a  
14 bar to any action or proceeding under this Section.

15 (3) The assets of a committed person, for the  
16 purposes of this Section, shall include any property,  
17 tangible or intangible, real or personal, belonging to or  
18 due to a committed or formerly committed person including  
19 income or payments to the person from social security,  
20 worker's compensation, veteran's compensation, pension  
21 benefits, or from any other source whatsoever and any and  
22 all assets and property of whatever character held in the  
23 name of the person, held for the benefit of the person,  
24 or payable or otherwise deliverable to the person. Any  
25 trust, or portion of a trust, of which a convicted person  
26 is a beneficiary, shall be construed as an asset of the  
27 person, to the extent that benefits thereunder are  
28 required to be paid to the person, or shall in fact be  
29 paid to the person. At the time of a legal proceeding by  
30 the Attorney General under this Section, if it appears  
31 that the committed person has any assets which ought to  
32 be subjected to the claim of the Department or a victim  
33 under this Section, the court may issue an order  
34 requiring any person, corporation, or other legal entity

1 possessed or having custody of those assets to  
2 appropriate any of the assets or a portion thereof toward  
3 reimbursing the Department or victim as provided for  
4 under this Section. No provision of this Section shall  
5 be construed in violation of any State or federal  
6 limitation on the collection of money judgments.

7 (4) Nothing in this Section shall preclude the  
8 Department from applying federal benefits that are  
9 specifically provided for the care and treatment of a  
10 committed person toward the cost of care provided by a  
11 State facility or private agency.

12 (Source: P.A. 92-564, eff. 1-1-03.)

13 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

14 Sec. 5-5-3. Disposition.

15 (a) Every person convicted of an offense shall be  
16 sentenced as provided in this Section.

17 (b) The following options shall be appropriate  
18 dispositions, alone or in combination, for all felonies and  
19 misdemeanors other than those identified in subsection (c) of  
20 this Section:

21 (1) A period of probation.

22 (2) A term of periodic imprisonment.

23 (3) A term of conditional discharge.

24 (4) A term of imprisonment.

25 (5) An order directing the offender to clean up and  
26 repair the damage, if the offender was convicted under  
27 paragraph (h) of Section 21-1 of the Criminal Code of  
28 1961.

29 (6) A fine.

30 (7) An order directing the offender to make  
31 restitution to the victim under Section 5-5-6 of this  
32 Code.

33 (8) A sentence of participation in a county impact

1           incarceration program under Section 5-8-1.2 of this Code.  
2           Whenever an individual is sentenced for an offense based  
3 upon an arrest for a violation of Section 11-501 of the  
4 Illinois Vehicle Code, or a similar provision of a local  
5 ordinance, and the professional evaluation recommends  
6 remedial or rehabilitative treatment or education, neither  
7 the treatment nor the education shall be the sole disposition  
8 and either or both may be imposed only in conjunction with  
9 another disposition. The court shall monitor compliance with  
10 any remedial education or treatment recommendations contained  
11 in the professional evaluation. Programs conducting alcohol  
12 or other drug evaluation or remedial education must be  
13 licensed by the Department of Human Services. However, if  
14 the individual is not a resident of Illinois, the court may  
15 accept an alcohol or other drug evaluation or remedial  
16 education program in the state of such individual's  
17 residence. Programs providing treatment must be licensed  
18 under existing applicable alcoholism and drug treatment  
19 licensure standards.

20           In addition to any other fine or penalty required by law,  
21 any individual convicted of a violation of Section 11-501 of  
22 the Illinois Vehicle Code or a similar provision of local  
23 ordinance, whose operation of a motor vehicle while in  
24 violation of Section 11-501 or such ordinance proximately  
25 caused an incident resulting in an appropriate emergency  
26 response, shall be required to make restitution to a public  
27 agency for the costs of that emergency response. Such  
28 restitution shall not exceed \$500 per public agency for each  
29 such emergency response. For the purpose of this paragraph,  
30 emergency response shall mean any incident requiring a  
31 response by: a police officer as defined under Section 1-162  
32 of the Illinois Vehicle Code; a fireman carried on the rolls  
33 of a regularly constituted fire department; and an ambulance  
34 as defined under Section 4.05 of the Emergency Medical

1 Services (EMS) Systems Act.

2 Neither a fine nor restitution shall be the sole  
3 disposition for a felony and either or both may be imposed  
4 only in conjunction with another disposition.

5 (c) (1) When a defendant is found guilty of first degree  
6 murder the State may either seek a sentence of  
7 imprisonment under Section 5-8-1 of this Code, or where  
8 appropriate seek a sentence of death under Section 9-1 of  
9 the Criminal Code of 1961.

10 (2) A period of probation, a term of periodic  
11 imprisonment or conditional discharge shall not be  
12 imposed for the following offenses. The court shall  
13 sentence the offender to not less than the minimum term  
14 of imprisonment set forth in this Code for the following  
15 offenses, and may order a fine or restitution or both in  
16 conjunction with such term of imprisonment:

17 (A) First degree murder where the death  
18 penalty is not imposed.

19 (B) Attempted first degree murder.

20 (C) A Class X felony.

21 (D) A violation of Section 401.1 or 407 of the  
22 Illinois Controlled Substances Act, or a violation  
23 of subdivision (c)(1) or (c)(2) of Section 401 of  
24 that Act which relates to more than 5 grams of a  
25 substance containing heroin or cocaine or an analog  
26 thereof.

27 (E) A violation of Section 5.1 or 9 of the  
28 Cannabis Control Act.

29 (F) A Class 2 or greater felony if the  
30 offender had been convicted of a Class 2 or greater  
31 felony within 10 years of the date on which the  
32 offender committed the offense for which he or she  
33 is being sentenced, except as otherwise provided in  
34 Section 40-10 of the Alcoholism and Other Drug Abuse

1 and Dependency Act.

2 (G) Residential burglary, except as otherwise  
3 provided in Section 40-10 of the Alcoholism and  
4 Other Drug Abuse and Dependency Act.

5 (H) Criminal sexual assault, except as  
6 otherwise provided in subsection (e) of this  
7 Section.

8 (I) Aggravated battery of a senior citizen.

9 (J) A forcible felony if the offense was  
10 related to the activities of an organized gang.

11 Before July 1, 1994, for the purposes of this  
12 paragraph, "organized gang" means an association of  
13 5 or more persons, with an established hierarchy,  
14 that encourages members of the association to  
15 perpetrate crimes or provides support to the members  
16 of the association who do commit crimes.

17 Beginning July 1, 1994, for the purposes of  
18 this paragraph, "organized gang" has the meaning  
19 ascribed to it in Section 10 of the Illinois  
20 Streetgang Terrorism Omnibus Prevention Act.

21 (K) Vehicular hijacking.

22 (L) A second or subsequent conviction for the  
23 offense of hate crime when the underlying offense  
24 upon which the hate crime is based is felony  
25 aggravated assault or felony mob action.

26 (M) A second or subsequent conviction for the  
27 offense of institutional vandalism if the damage to  
28 the property exceeds \$300.

29 (N) A Class 3 felony violation of paragraph  
30 (1) of subsection (a) of Section 2 of the Firearm  
31 Owners Identification Card Act.

32 (O) A violation of Section 12-6.1 of the  
33 Criminal Code of 1961.

34 (P) A violation of paragraph (1), (2), (3),

1 (4), (5), or (7) of subsection (a) of Section  
2 11-20.1 of the Criminal Code of 1961.

3 (Q) A violation of Section 20-1.2 of the  
4 Criminal Code of 1961.

5 (R) A violation of Section 24-3A of the  
6 Criminal Code of 1961.

7 (S) A violation of Section 11-501(c-1)(3) of  
8 the Illinois Vehicle Code.

9 (3) A minimum term of imprisonment of not less than  
10 5 days or 30 days of community service as may be  
11 determined by the court shall be imposed for a second  
12 violation committed within 5 years of a previous  
13 violation of Section 11-501 of the Illinois Vehicle Code  
14 or a similar provision of a local ordinance. In the case  
15 of a third or subsequent violation committed within 5  
16 years of a previous violation of Section 11-501 of the  
17 Illinois Vehicle Code or a similar provision of a local  
18 ordinance, a minimum term of either 10 days of  
19 imprisonment or 60 days of community service shall be  
20 imposed.

21 (4) A minimum term of imprisonment of not less than  
22 10 consecutive days or 30 days of community service shall  
23 be imposed for a violation of paragraph (c) of Section  
24 6-303 of the Illinois Vehicle Code.

25 (4.1) A minimum term of 30 consecutive days of  
26 imprisonment, 40 days of 24 hour periodic imprisonment or  
27 720 hours of community service, as may be determined by  
28 the court, shall be imposed for a violation of Section  
29 11-501 of the Illinois Vehicle Code during a period in  
30 which the defendant's driving privileges are revoked or  
31 suspended, where the revocation or suspension was for a  
32 violation of Section 11-501 or Section 11-501.1 of that  
33 Code.

34 (4.2) Except as provided in paragraph (4.3) of this

1 subsection (c), a minimum of 100 hours of community  
2 service shall be imposed for a second violation of  
3 Section 6-303 of the Illinois Vehicle Code.

4 (4.3) A minimum term of imprisonment of 30 days or  
5 300 hours of community service, as determined by the  
6 court, shall be imposed for a second violation of  
7 subsection (c) of Section 6-303 of the Illinois Vehicle  
8 Code.

9 (4.4) Except as provided in paragraph (4.5) and  
10 paragraph (4.6) of this subsection (c), a minimum term of  
11 imprisonment of 30 days or 300 hours of community  
12 service, as determined by the court, shall be imposed for  
13 a third or subsequent violation of Section 6-303 of the  
14 Illinois Vehicle Code.

15 (4.5) A minimum term of imprisonment of 30 days  
16 shall be imposed for a third violation of subsection (c)  
17 of Section 6-303 of the Illinois Vehicle Code.

18 (4.6) A minimum term of imprisonment of 180 days  
19 shall be imposed for a fourth or subsequent violation of  
20 subsection (c) of Section 6-303 of the Illinois Vehicle  
21 Code.

22 (5) The court may sentence an offender convicted of  
23 a business offense or a petty offense or a corporation or  
24 unincorporated association convicted of any offense to:

- 25 (A) a period of conditional discharge;
- 26 (B) a fine;
- 27 (C) make restitution to the victim under  
28 Section 5-5-6 of this Code.

29 (5.1) In addition to any penalties imposed under  
30 paragraph (5) of this subsection (c), and except as  
31 provided in paragraph (5.2) or (5.3), a person convicted  
32 of violating subsection (c) of Section 11-907 of the  
33 Illinois Vehicle Code shall have his or her driver's  
34 license, permit, or privileges suspended for at least 90

1 days but not more than one year, if the violation  
2 resulted in damage to the property of another person.

3 (5.2) In addition to any penalties imposed under  
4 paragraph (5) of this subsection (c), and except as  
5 provided in paragraph (5.3), a person convicted of  
6 violating subsection (c) of Section 11-907 of the  
7 Illinois Vehicle Code shall have his or her driver's  
8 license, permit, or privileges suspended for at least 180  
9 days but not more than 2 years, if the violation resulted  
10 in injury to another person.

11 (5.3) In addition to any penalties imposed under  
12 paragraph (5) of this subsection (c), a person convicted  
13 of violating subsection (c) of Section 11-907 of the  
14 Illinois Vehicle Code shall have his or her driver's  
15 license, permit, or privileges suspended for 2 years, if  
16 the violation resulted in the death of another person.

17 (6) In no case shall an offender be eligible for a  
18 disposition of probation or conditional discharge for a  
19 Class 1 felony committed while he was serving a term of  
20 probation or conditional discharge for a felony.

21 (7) When a defendant is adjudged a habitual  
22 criminal under Article 33B of the Criminal Code of 1961,  
23 the court shall sentence the defendant to a term of  
24 natural life imprisonment.

25 (8) When a defendant, over the age of 21 years, is  
26 convicted of a Class 1 or Class 2 felony, after having  
27 twice been convicted in any state or federal court of an  
28 offense that contains the same elements as an offense now  
29 classified in Illinois as a Class 2 or greater Class  
30 felony and such charges are separately brought and tried  
31 and arise out of different series of acts, such defendant  
32 shall be sentenced as a Class X offender. This paragraph  
33 shall not apply unless (1) the first felony was committed  
34 after the effective date of this amendatory Act of 1977;

1 and (2) the second felony was committed after conviction  
2 on the first; and (3) the third felony was committed  
3 after conviction on the second. A person sentenced as a  
4 Class X offender under this paragraph is not eligible to  
5 apply for treatment as a condition of probation as  
6 provided by Section 40-10 of the Alcoholism and Other  
7 Drug Abuse and Dependency Act.

8 (9) A defendant convicted of a second or subsequent  
9 offense of ritualized abuse of a child may be sentenced  
10 to a term of natural life imprisonment.

11 (10) When a person is convicted of violating  
12 Section 11-501 of the Illinois Vehicle Code or a similar  
13 provision of a local ordinance, the following penalties  
14 apply when his or her blood, breath, or urine was .16 or  
15 more based on the definition of blood, breath, or urine  
16 units in Section 11-501.2 or that person is convicted of  
17 violating Section 11-501 of the Illinois Vehicle Code  
18 while transporting a child under the age of 16:

19 (A) For a first violation of subsection (a) of  
20 Section 11-501, in addition to any other penalty  
21 that may be imposed under subsection (c) of Section  
22 11-501: a mandatory minimum of 100 hours of  
23 community service and a minimum fine of \$500.

24 (B) For a second violation of subsection (a)  
25 of Section 11-501, in addition to any other penalty  
26 that may be imposed under subsection (c) of Section  
27 11-501 within 10 years: a mandatory minimum of 2  
28 days of imprisonment and a minimum fine of \$1,250.

29 (C) For a third violation of subsection (a) of  
30 Section 11-501, in addition to any other penalty  
31 that may be imposed under subsection (c) of Section  
32 11-501 within 20 years: a mandatory minimum of 90  
33 days of imprisonment and a minimum fine of \$2,500.

34 (D) For a fourth or subsequent violation of

1 subsection (a) of Section 11-501: ineligibility for  
2 a sentence of probation or conditional discharge and  
3 a minimum fine of \$2,500.

4 (d) In any case in which a sentence originally imposed  
5 is vacated, the case shall be remanded to the trial court.  
6 The trial court shall hold a hearing under Section 5-4-1 of  
7 the Unified Code of Corrections which may include evidence of  
8 the defendant's life, moral character and occupation during  
9 the time since the original sentence was passed. The trial  
10 court shall then impose sentence upon the defendant. The  
11 trial court may impose any sentence which could have been  
12 imposed at the original trial subject to Section 5-5-4 of the  
13 Unified Code of Corrections. If a sentence is vacated on  
14 appeal or on collateral attack due to the failure of the  
15 trier of fact at trial to determine beyond a reasonable doubt  
16 the existence of a fact (other than a prior conviction)  
17 necessary to increase the punishment for the offense beyond  
18 the statutory maximum otherwise applicable, either the  
19 defendant may be re-sentenced to a term within the range  
20 otherwise provided or, if the State files notice of its  
21 intention to again seek the extended sentence, the defendant  
22 shall be afforded a new trial.

23 (e) In cases where prosecution for criminal sexual  
24 assault or aggravated criminal sexual abuse under Section  
25 12-13 or 12-16 of the Criminal Code of 1961 results in  
26 conviction of a defendant who was a family member of the  
27 victim at the time of the commission of the offense, the  
28 court shall consider the safety and welfare of the victim and  
29 may impose a sentence of probation only where:

30 (1) the court finds (A) or (B) or both are  
31 appropriate:

32 (A) the defendant is willing to undergo a  
33 court approved counseling program for a minimum  
34 duration of 2 years; or

1 (B) the defendant is willing to participate in  
2 a court approved plan including but not limited to  
3 the defendant's:

4 (i) removal from the household;  
5 (ii) restricted contact with the victim;  
6 (iii) continued financial support of the  
7 family;

8 (iv) restitution for harm done to the  
9 victim; and

10 (v) compliance with any other measures  
11 that the court may deem appropriate; and

12 (2) the court orders the defendant to pay for the  
13 victim's counseling services, to the extent that the  
14 court finds, after considering the defendant's income and  
15 assets, that the defendant is financially capable of  
16 paying for such services, if the victim was under 18  
17 years of age at the time the offense was committed and  
18 requires counseling as a result of the offense.

19 Probation may be revoked or modified pursuant to Section  
20 5-6-4; except where the court determines at the hearing that  
21 the defendant violated a condition of his or her probation  
22 restricting contact with the victim or other family members  
23 or commits another offense with the victim or other family  
24 members, the court shall revoke the defendant's probation and  
25 impose a term of imprisonment.

26 For the purposes of this Section, "family member" and  
27 "victim" shall have the meanings ascribed to them in Section  
28 12-12 of the Criminal Code of 1961.

29 (f) This Article shall not deprive a court in other  
30 proceedings to order a forfeiture of property, to suspend or  
31 cancel a license, to remove a person from office, or to  
32 impose any other civil penalty.

33 (g) Whenever a defendant is convicted of an offense  
34 under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18,

1 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1,  
2 12-15 or 12-16 of the Criminal Code of 1961, the defendant  
3 shall undergo medical testing to determine whether the  
4 defendant has any sexually transmissible disease, including a  
5 test for infection with human immunodeficiency virus (HIV) or  
6 any other identified causative agent of acquired  
7 immunodeficiency syndrome (AIDS). Any such medical test  
8 shall be performed only by appropriately licensed medical  
9 practitioners and may include an analysis of any bodily  
10 fluids as well as an examination of the defendant's person.  
11 Except as otherwise provided by law, the results of such test  
12 shall be kept strictly confidential by all medical personnel  
13 involved in the testing and must be personally delivered in a  
14 sealed envelope to the judge of the court in which the  
15 conviction was entered for the judge's inspection in camera.  
16 Acting in accordance with the best interests of the victim  
17 and the public, the judge shall have the discretion to  
18 determine to whom, if anyone, the results of the testing may  
19 be revealed. The court shall notify the defendant of the test  
20 results. The court shall also notify the victim if requested  
21 by the victim, and if the victim is under the age of 15 and  
22 if requested by the victim's parents or legal guardian, the  
23 court shall notify the victim's parents or legal guardian of  
24 the test results. The court shall provide information on the  
25 availability of HIV testing and counseling at Department of  
26 Public Health facilities to all parties to whom the results  
27 of the testing are revealed and shall direct the State's  
28 Attorney to provide the information to the victim when  
29 possible. A State's Attorney may petition the court to obtain  
30 the results of any HIV test administered under this Section,  
31 and the court shall grant the disclosure if the State's  
32 Attorney shows it is relevant in order to prosecute a charge  
33 of criminal transmission of HIV under Section 12-16.2 of the  
34 Criminal Code of 1961 against the defendant. The court shall

1 order that the cost of any such test shall be paid by the  
2 county and may be taxed as costs against the convicted  
3 defendant.

4 (g-5) When an inmate is tested for an airborne  
5 communicable disease, as determined by the Illinois  
6 Department of Public Health including but not limited to  
7 tuberculosis, the results of the test shall be personally  
8 delivered by the warden or his or her designee in a sealed  
9 envelope to the judge of the court in which the inmate must  
10 appear for the judge's inspection in camera if requested by  
11 the judge. Acting in accordance with the best interests of  
12 those in the courtroom, the judge shall have the discretion  
13 to determine what if any precautions need to be taken to  
14 prevent transmission of the disease in the courtroom.

15 (h) Whenever a defendant is convicted of an offense  
16 under Section 1 or 2 of the Hypodermic Syringes and Needles  
17 Act, the defendant shall undergo medical testing to determine  
18 whether the defendant has been exposed to human  
19 immunodeficiency virus (HIV) or any other identified  
20 causative agent of acquired immunodeficiency syndrome (AIDS).  
21 Except as otherwise provided by law, the results of such test  
22 shall be kept strictly confidential by all medical personnel  
23 involved in the testing and must be personally delivered in a  
24 sealed envelope to the judge of the court in which the  
25 conviction was entered for the judge's inspection in camera.  
26 Acting in accordance with the best interests of the public,  
27 the judge shall have the discretion to determine to whom, if  
28 anyone, the results of the testing may be revealed. The court  
29 shall notify the defendant of a positive test showing an  
30 infection with the human immunodeficiency virus (HIV). The  
31 court shall provide information on the availability of HIV  
32 testing and counseling at Department of Public Health  
33 facilities to all parties to whom the results of the testing  
34 are revealed and shall direct the State's Attorney to provide

1 the information to the victim when possible. A State's  
2 Attorney may petition the court to obtain the results of any  
3 HIV test administered under this Section, and the court  
4 shall grant the disclosure if the State's Attorney shows it  
5 is relevant in order to prosecute a charge of criminal  
6 transmission of HIV under Section 12-16.2 of the Criminal  
7 Code of 1961 against the defendant. The court shall order  
8 that the cost of any such test shall be paid by the county  
9 and may be taxed as costs against the convicted defendant.

10 (i) All fines and penalties imposed under this Section  
11 for any violation of Chapters 3, 4, 6, and 11 of the Illinois  
12 Vehicle Code, or a similar provision of a local ordinance,  
13 and any violation of the Child Passenger Protection Act, or a  
14 similar provision of a local ordinance, shall be collected  
15 and disbursed by the circuit clerk as provided under Section  
16 27.5 of the Clerks of Courts Act.

17 (j) In cases when prosecution for any violation of  
18 Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1,  
19 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1,  
20 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or  
21 12-16 of the Criminal Code of 1961, any violation of the  
22 Illinois Controlled Substances Act, or any violation of the  
23 Cannabis Control Act results in conviction, a disposition of  
24 court supervision, or an order of probation granted under  
25 Section 10 of the Cannabis Control Act or Section 410 of the  
26 Illinois Controlled Substance Act of a defendant, the court  
27 shall determine whether the defendant is employed by a  
28 facility or center as defined under the Child Care Act of  
29 1969, a public or private elementary or secondary school, or  
30 otherwise works with children under 18 years of age on a  
31 daily basis. When a defendant is so employed, the court  
32 shall order the Clerk of the Court to send a copy of the  
33 judgment of conviction or order of supervision or probation  
34 to the defendant's employer by certified mail. If the

1 employer of the defendant is a school, the Clerk of the Court  
2 shall direct the mailing of a copy of the judgment of  
3 conviction or order of supervision or probation to the  
4 appropriate regional superintendent of schools. The regional  
5 superintendent of schools shall notify the State Board of  
6 Education of any notification under this subsection.

7 (j-5) A defendant at least 17 years of age who is  
8 convicted of a felony and who has not been previously  
9 convicted of a misdemeanor or felony and who is sentenced to  
10 a term of imprisonment in the Illinois Department of  
11 Corrections shall as a condition of his or her sentence be  
12 required by the court to attend educational courses designed  
13 to prepare the defendant for a high school diploma and to  
14 work toward a high school diploma or to work toward passing  
15 the high school level Test of General Educational Development  
16 (GED) or to work toward completing a vocational training  
17 program offered by the Department of Corrections. If a  
18 defendant fails to complete the educational training required  
19 by his or her sentence during the term of incarceration, the  
20 Prisoner Review Board shall, as a condition of mandatory  
21 supervised release, require the defendant, at his or her own  
22 expense, to pursue a course of study toward a high school  
23 diploma or passage of the GED test. The Prisoner Review  
24 Board shall revoke the mandatory supervised release of a  
25 defendant who wilfully fails to comply with this subsection  
26 (j-5) upon his or her release from confinement in a penal  
27 institution while serving a mandatory supervised release  
28 term; however, the inability of the defendant after making a  
29 good faith effort to obtain financial aid or pay for the  
30 educational training shall not be deemed a wilful failure to  
31 comply. The Prisoner Review Board shall recommit the  
32 defendant whose mandatory supervised release term has been  
33 revoked under this subsection (j-5) as provided in Section  
34 3-3-9. This subsection (j-5) does not apply to a defendant

1 who has a high school diploma or has successfully passed the  
2 GED test. This subsection (j-5) does not apply to a defendant  
3 who is determined by the court to be developmentally disabled  
4 or otherwise mentally incapable of completing the educational  
5 or vocational program.

6 (k) A court may not impose a sentence or disposition for  
7 a felony or misdemeanor that requires the defendant to be  
8 implanted or injected with or to use any form of birth  
9 control.

10 (l) (A) Except as provided in paragraph (C) of  
11 subsection (l), whenever a defendant, who is an alien as  
12 defined by the Immigration and Nationality Act, is  
13 convicted of any felony or misdemeanor offense, the court  
14 after sentencing the defendant may, upon motion of the  
15 State's Attorney, hold sentence in abeyance and remand  
16 the defendant to the custody of the Attorney General of  
17 the United States or his or her designated agent to be  
18 deported when:

19 (1) a final order of deportation has been  
20 issued against the defendant pursuant to proceedings  
21 under the Immigration and Nationality Act, and

22 (2) the deportation of the defendant would not  
23 deprecate the seriousness of the defendant's conduct  
24 and would not be inconsistent with the ends of  
25 justice.

26 Otherwise, the defendant shall be sentenced as  
27 provided in this Chapter V.

28 (B) If the defendant has already been sentenced for  
29 a felony or misdemeanor offense, or has been placed on  
30 probation under Section 10 of the Cannabis Control Act or  
31 Section 410 of the Illinois Controlled Substances Act,  
32 the court may, upon motion of the State's Attorney to  
33 suspend the sentence imposed, commit the defendant to the  
34 custody of the Attorney General of the United States or

1 his or her designated agent when:

2 (1) a final order of deportation has been  
3 issued against the defendant pursuant to proceedings  
4 under the Immigration and Nationality Act, and

5 (2) the deportation of the defendant would not  
6 deprecate the seriousness of the defendant's conduct  
7 and would not be inconsistent with the ends of  
8 justice.

9 (C) This subsection (1) does not apply to offenders  
10 who are subject to the provisions of paragraph (2) of  
11 subsection (a) of Section 3-6-3.

12 (D) Upon motion of the State's Attorney, if a  
13 defendant sentenced under this Section returns to the  
14 jurisdiction of the United States, the defendant shall be  
15 recommitted to the custody of the county from which he or  
16 she was sentenced. Thereafter, the defendant shall be  
17 brought before the sentencing court, which may impose any  
18 sentence that was available under Section 5-5-3 at the  
19 time of initial sentencing. In addition, the defendant  
20 shall not be eligible for additional good conduct credit  
21 for meritorious service as provided under Section 3-6-6.

22 (m) A person convicted of criminal defacement of  
23 property under Section 21-1.3 of the Criminal Code of 1961,  
24 in which the property damage exceeds \$300 and the property  
25 damaged is a school building, shall be ordered to perform  
26 community service that may include cleanup, removal, or  
27 painting over the defacement.

28 (n) A person convicted of an offense that results in  
29 injury to a victim shall be ordered to pay for the medical or  
30 dental costs incurred by the victim in seeking treatment for  
31 those injuries inflicted by the person convicted.

32 (Source: P.A. 91-357, eff. 7-29-99; 91-404, eff. 1-1-00;  
33 91-663, eff. 12-22-99; 91-695, eff. 4-13-00; 91-953, eff.  
34 2-23-01; 92-183, eff. 7-27-01; 92-248, eff. 8-3-01; 92-283,

1 eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01;  
2 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698, eff.  
3 7-19-02.)